



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, WEDNESDAY, DECEMBER 2, 2015

No. 174

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our God, merciful and holy, clear away from our lives anything that would hinder Your providential purposes.

Enter the hearts of our Senators, guiding them with Your truth. May Your truth fill them with hope and faith even when they seem surrounded by exasperating experiences. Supply them with what they need to persist and endure in spite of obstacles. Lord, provide them with creative thoughts and energy to accomplish Your will on Earth, even as it is done in Heaven. Give them the integrity to say what they mean and mean what they say.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. JOHNSON). The majority leader is recognized.

OBAMACARE

Mr. McCONNELL. Mr. President, ObamaCare is a direct attack on the middle class of our country. It is a partisan law that puts ideology before people, that hurts many of the very Americans it was supposed to help. It resulted in millions of cancellation no-

tices for hard-working Americans who had plans they liked and who had done nothing wrong. It raised premiums, it raised copays, and it raised deductibles and taxes for Americans who were already struggling. It restricted choice and access to doctors and hospitals for patients in need.

We see the pain and the hurt of this law all across the country. We see it where we live. In my home State of Kentucky, health costs have spiked. ObamaCare first caused tens of thousands of Kentuckians to lose the health care plans they were promised they could keep during the first year of implementation, then victimized 50,000 more when the Commonwealth's much-vaunted ObamaCare co-op completely collapsed. ObamaCare has also contributed to Kentucky hospitals being forced to cut jobs, reduce wages, and even shut down altogether.

Some in Washington may have cheered when a Democratic administration in Frankfort poured one-quarter of a billion dollars of tax money into Kentucky's ObamaCare exchange or when our Democratic Governor confidently declared it an "undisputed fact"—this is what he said: an "undisputed fact"—that ObamaCare's Medicare expansion had added 12,000 jobs to Kentucky's economy. But like so much of ObamaCare, it was just another broken promise. Those jobs numbers were not an undisputed fact at all; they were just projections, and they failed to ever materialize. Health care jobs have actually declined in Kentucky. They did not go up; they declined.

Today, few of those ObamaCare cheerleaders are cheering anymore. Nearly 80 percent of Kentucky's enrollees were simply shoehorned into an already-broken Medicaid system, and many of the remaining 20 percent found themselves stuck with unaffordable ObamaCare coverage.

Listen to what this mom from Breckinridge County wrote to say:

My family is being pushed out of the middle class by the Obamacare law. How can we

pay almost \$1,200 a month on health insurance?

Listen to what this father of two boys from Owensboro wrote to tell me:

Before the Affordable Care Act, we paid around \$100 bi-weekly for the family plan. That has now increased to \$235 during the same timeframe. It seems these days there is no incentive to work. We are punished for working hard and trying to provide for our children while others are encouraged to not further themselves because if they do they would be in our particular situation. What happened to being rewarded for working hard in America? What happened to the American dream?

This Kentucky dad is not the only one wondering this; Americans across the country continue to demand a better way forward. Americans made that clear last November. Kentuckians made that doubly clear again last month.

This is simply the reality. Democrats cannot deny it. They cannot deny it. They can try to deny it. Democrats can again dismiss Americans' real-life experience as lies. Democrats can continue to lecture Americans about their supposed inability to understand just how great ObamaCare has been for them. But Americans are intimately familiar with the painful reality of ObamaCare.

Americans want a fresh start. Americans want to see Washington build a bridge away from ObamaCare and toward better care for them. That is what the bill before us would do. It is something every Senator should support, Republicans and Democrats alike. Democrats may have forced this law on the middle class. Democrats may own the pain they have caused across the country, especially in States like Kentucky. But it is not too late for our Democratic colleagues to work with us to build a bridge to better care. This is their chance and President Obama's chance to begin to make amends for the pain and the hurt they have caused.

For all of the broken promises, for all of the higher costs, for all of the failures, this is America's chance to turn

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S8247

the page and write a new and more hopeful beginning. This is our chance to work toward a healthier and more prosperous future, with true reform that moves beyond the failures of a broken law.

ACCOMPLISHMENTS OF THE NEW CONGRESS

Mr. MCCONNELL. Mr. President, on another matter, in the past few days I have noted some of the achievements of a new Congress that is back to work on the side of the American people. We have passed bills no one ever thought Washington could touch. We have made reforms that have previously languished for years without result. Even more remarkably, we have often done so on a bipartisanship basis.

Consider just the bills I have mentioned already:

A landmark, bipartisan education bill that would take decisionmaking away from distant Federal bureaucrats in order to empower parents and teachers instead. The pundits said we would never pass it. We did, 81 to 17.

A breakthrough, bipartisan highway bill that would finally provide States and local governments the kind of certainty they need to focus on longer term road and bridge projects. After years of short-term extensions, this long-term highway bill passed the new Senate 65 to 34.

A milestone, bipartisan cyber security bill that would protect the personal information of people we represent by defeating cyber attacks through the sharing of information. The issue languished in previous Congresses, but this Senate passed it with 74 votes.

Today, I would like to mention another important bill this new Congress has passed. It is hard for many Americans to believe that human trafficking—modern-day slavery—can happen where they live, but it does right here in our country. It happens in all 50 of our States. In Kentucky alone, the Commonwealth has been able to identify more than 100 victims since they began keeping relevant records in 2013. This kind of abuse often begins around the age of 13 or 14.

The victims of modern slavery deserve a voice. They deserve justice. After years of inaction, the new Congress was determined to give them both. Of course, there was an unforeseen impediment, to put it mildly, to getting this bill done, but success was possible because the new majority kept its focus on facts, on substance, and on good policy for the people who have always remained our focus throughout the debate, the victims of modern slavery.

The bill we ultimately passed with strong bipartisan support, the Justice for Victims of Trafficking Act, represents a vital ray of hope for the countless victims of modern slavery who need our help. Victims groups and advocates told us that this human

rights legislation would provide unprecedented support to domestic victims of trafficking. They urged the Congress to pass it. We did. The President signed it into law as well. It proves that with unwavering compassion and unbowed determination—something Senator CORNYN knows a thing or two about—justice can prevail. I am grateful to him and so many other Senators for working so hard to ensure that it ultimately did.

The Justice for Victims of Trafficking Act was another important step forward for our country. It is another example of what we can achieve in a new Congress that is back to work for the American people.

MEASURE PLACED ON THE CALENDAR—H.R. 427

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk due a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 427) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

WORK OF THE SENATE

Mr. REID. Mr. President, the Republican leader comes to the floor virtually every day and talks about this great new Senate.

He talked about the Elementary and Secondary Education Act. We tried to do that many times. It was blocked by Republicans. That is why it was not done before.

Highways. We tried valiantly to do something on highways, but all we could ever get, because of the obstruction of the Republicans, was short-term extensions.

Cyber security. My friend the Republican leader comes to the floor and talks about, we got cyber security done. We got it done. It is not a great bill. It is better than nothing. But we tried for years—5 years. Every time we tried, it was blocked by Republicans.

One of the newspapers here has a Pinocchio check. They look at the facts and analyze them, and they can give up to four Pinocchios, meaning people simply did not tell the truth.

So I want to remind everybody here that I am happy to participate in get-

ting something done with the Elementary and Secondary Education Act, led by, on our side, the senior Senator from Washington. We were able to get that done because of her good work and others. It was not because we did not try before. We could not get it done before because of the obstruction of the Republicans.

This is the most unproductive Senate in the history of the country, and there are facts and figures to show that. So we are not going to be awarding Pinocchios here based on the statements of my friend the Republican leader, but everyone should understand there are different ways of presenting the facts. It is always best to present facts that are accurate. He said, for example, that bills—TSA, highways, and cyber—languished in the Senate. That is true, because of Republican filibusters. We tried to pass those bills in the last two Congresses. They were blocked by Republicans. We are now helping pass legislation, and that is our job. The job of Republicans was to oppose everything President Obama wanted, and that is, in fact, what was done.

OBAMACARE

Mr. REID. Mr. President, on ObamaCare, one newspaper reports:

Fewer Patients Have Been Dying From Hospital Errors Since ObamaCare Started.

Report says about 87,000 lives have been saved since 2010.

This is as a result of that legislation. I am not going to read the whole article.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I just referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Huffington Post, Dec. 1, 2015]

FEWER PATIENTS HAVE BEEN DYING FROM HOSPITAL ERRORS SINCE OBAMACARE STARTED
(By Jonathan Cohn)

Hospitals have cut down on deadly medical errors, saving around 87,000 lives since 2010, according to a new government report.

Pinning down the precise reasons for this change is difficult, to say nothing of predicting whether the decline will continue. Improvement has slowed in just the last year, the report suggests. But many analysts think government initiatives within the Affordable Care Act have played a significant role in the progress so far.

In short, Obamacare may literally be saving lives.

The new report comes from Agency for Healthcare Research and Quality, which is part of the Department of Health and Human Services and is something like an in-house think tank dedicated to making medical care safer and more effective. Since 2010, the agency has been tracking the incidence of common and frequently fatal medical errors, which include everything from a nurse accidentally giving a patient the wrong medication to a doctor inserting an intravenous line in a way that leads to a blood-borne infection.

On Tuesday, the agency announced its latest findings on these "hospital-acquired conditions," based on preliminary data from 2014. For every 1,000 patients admitted to and